

MILITARY PENAL JURISDICTION

Exchange of notes at Washington July 5 and September 6, 1918

Entered into force September 6, 1918

*Modified by exchanges of notes of September 2, October 20 and 25,
and November 10, 1919¹*

Terminated by mutual agreement in 1933

1918 For. Rel. (supp. 2) 747, 751

The Secretary of State to the Belgian Minister

No. 81

WASHINGTON, July 5, 1918

SIR: Referring to your note of May 6, 1918, in which you communicate to me the desire of your Government to effect an arrangement between the United States and Belgium on the subject of penal jurisdiction over the military and naval forces of each country within the jurisdiction of the other, I have the honor to inform you that I am authorized by the President as Commander in Chief of the armed forces of the United States, to propose to you an arrangement by an exchange of notes as follows:

The Government of the United States of America and the Government of His Majesty the King of the Belgians recognize during the present war the exclusive jurisdiction of the tribunals of their respective land and sea forces with regard to persons subject to the jurisdiction of those forces whatever be the territory in which they operate or the nationality of the accused. In the case of offences committed jointly or in complicity with persons subject to the jurisdiction of the said military forces, the principals and accessories who are amenable to the American land and sea forces shall be handed over for trial to the American military or naval justice, and the principals and accessories who are amenable to the Belgian land and sea forces shall be handed over for trial to the Belgian military or naval justice.

The Government of the United States of America and the Government of His Majesty the King of the Belgians further recognize during the present war the exclusive jurisdiction within American territory of American justice over persons not belonging to the Belgian land and sea forces who may commit acts prejudicial to the said military forces and the exclusive jurisdiction,

¹ *Post*, p. 519.

within Belgian territory, of Belgian justice over persons not belonging to American land and sea forces who may commit acts prejudicial to the said military forces.

The word "persons" as used in the first paragraph of this agreement designates, together with the persons enrolled in the Army, Navy and Marine Corps, any other person who under the American or Belgian law is subject to military or naval jurisdiction, especially members of the Red Cross regularly accepted by the Government of the United States of America or the Government of His Majesty the King of the Belgians in so far as the American or Belgian law and the customs of war place them under military or naval jurisdiction.

Should this arrangement be acceptable to the Government of His Majesty the King of the Belgians your formal notification in writing to that effect will be understood on the part of the Government of the United States of America as completing the arrangement and putting it into force and effect, and I shall be glad to receive your assurance that it will be so understood also on the part of the Government of His Majesty the King of the Belgians.

Accept [etc.]

ROBERT LANSING

The Belgian Minister to the Secretary of State

[TRANSLATION]

WASHINGTON, September 6, 1918

MR. SECRETARY OF STATE: By note of July 5 last Your Excellency was pleased to inform me that the President of the United States, in his capacity as Commander in Chief of the armed forces of that country, had authorized Your Excellency to propose to me a settlement, by an exchange of notes, of the question of penal military jurisdiction over the Belgian and American Armies jointly participating in the present war.

Your Excellency was pleased to reproduce in that note the terms of the contemplated arrangement, the French text of which is as follows:

[For terms of arrangement, see U.S. note, above.]

Duly authorized thereto by my Government, I have the honor to inform Your Excellency that the terms of the aforesaid note are accepted by it and that the provisions therein contained are in consequence executory from this moment.

My Government proposes immediately to publish, to that end, the notes thus exchanged, in the *Moniteur Belge*.

I avail myself [etc.]

E. DE CARTIER